REMARKS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action. Before doing so, however, both the undersigned and Len Linardakis would like to thank Examiner Rayyan for courtesies extended during a telephone interview on May 31, 2007 (referred to as "the telephone interview"). The telephone interview is summarized here.

Telephone Interview Summary

This statement of the substance of the Interview summarizes the issues discussed during the May 31, 2007 in a telephone interview. This Interview Summary is presented in the format suggested in MPEP §713.04 by the Patent Office.

Date of Interview: May 31, 2007

Type of Interview: Telephone

Name of Participants:

    –   Examiner: Susan F. Rayyan

    –   For Applicants: John C. Pokotylo

-15-

Leonard P. Linardakis

A. *Exhibit(s) Shown:* None

B. *Claims discussed:* 1-3, 13, 16, and 19

C. *References Discussed:* US 2004/0103024 A1 -Patel

D. *Proposed Amendments discussed:*

 - Applicants proposed amending the independent claims to indicate that the ad landing pages are **automatically** selected from a plurality of candidate landing page ads and that the ads are **automatically** assembled to include a link to the selected ad landing page.

 - Examiner Rayyan suggested amending the independent claims to more clearly indicate that the performance tracked is the performance of the ad in combination with the automatically selected ad landing page.

E. *Discussion of General Thrust*
 of the Principal Arguments

 - Applicants noted that the Patel publication does not teach or suggest the original recited features of selecting one of a number of different ad landing pages for an ad, and tracking ad performance on the basis of the ad landing page. Examiner Rayyan clarified that her position is that ad landing page selection is inherently done when an advertiser manually places a link in its ad. The applicants noted that this would still not show that ad landing pages were selected in a round robin or random manner as recited in claims 2 and 3. All parties agreed that amending the claim to read

-16-

automatically selecting would avoid this application
of the Patel publication.

Finally, Examiner Rayyan recommended clarifying
the performance tracked.

F.   ***Other Pertinent Matters Discussed:*** None

G.   ***General Results/Outcome of Interview***
        -    The Examiner agreed that amending the claims
to recite "automatically selecting…" would overcome
the outstanding rejections. She also recommended
clarifying how the ad performance is being tracked.

Rejections under 35 U.S.C. § 102

Claims 1-54 stand rejected under 35 U.S.C. § 102 as
being anticipated by U.S. Patent Application No.
2004/103024 ("the Patel publication"). The applicants
respectfully request that the Examiner reconsider and
withdraw this ground of rejection in view of the
following.

Claims 1 and 28

Independent claims 1 and 28, as amended, are not
anticipated by the Patel publication because the Patel
publication does not teach that ad landing pages are
automatically selected from a plurality of candidate
landing page ads and that the ads are **automatically**
assembled to include a link to the selected ad landing
page.

The Examiner agreed in the telephone interview that
such an amendment would distinguish claim 1 from the

-17-

cited reference. Specifically, in rejecting original claims 1 and 28, the Examiner cited paragraph [0038], line 5 of the Patel publication and stated that "[i]n creating an ad to be served **the creator (advertisers) selects the ad landing page (target)**." [Emphasis added]. Paper No. 20070222, page 2. As the Examiner clarified during the telephone interview, the selection of the ad landing page is performed manually by the creator (advertiser). It, however, is <u>not</u> performed automatically (e.g., by a system based on some selection criteria or test policy, such as round robin or randomly). That is, the Patel publication clearly does not teach acts of (or means for) **automatically** selecting one of a plurality of candidate ad landing pages for an ad to be served, nor does it teach acts of (or means for) **automatically** assembling the ads to include a link to the selected ad landing page.

Thus, independent claims 1 and 28, as amended, are not anticipated by the Patel publication for at least the foregoing reasons. Since, claims 2-12 depend, either directly or indirectly, from claim 1, and since claims 29-39 depend, either directly or indirectly, from claim 28, these claims are similarly not anticipated by the Patel publication.

The Examiner cited paragraph [0104] of the Patel publication as teaching that the tracking of click-throughs and conversions is done on a per ad landing page basis. However, this does not teach that the performance of the ad, in combination with the individual ad landing pages, is separately tracked. That is, the Patel publication does not teach that performance information of the individual ad landing pages are

-18-

separately tracked (and stored, and maintained). Thus, the Patel publication does not advantageously facilitate determining the effectiveness of individual ad landing pages. The claimed invention provides a more granular level of performance tracking not taught in the Patel publication.

To further clarify this feature, claims 1 and 28 have been amended to more clearly indicate that the **performance tracked includes the performance of the automatically selected ad landing pages in combination with an ad**. Therefore, claims 1 and 28, as amended, are not anticipated by the Patel publication for at least this additional reason. Since claims 2-12 and 29-39 depend, either directly or indirectly, from claims 1 and 28, respectively, these claims are similarly not anticipated by the Patel publication.

Claims 2, 3, 29 and 30

Claims 2, 3, 29 and 30 depend from claims 1 and 28, respectively. Therefore, these claims are not anticipated by the Patel Publication for at least the same reasons as discussed above. In addition, the Patel publication does not teach an act of (or means for) automatically selecting one of a plurality of candidate ad landing pages in a <u>round-robin or random manner</u>.

In rejecting original claims 2 and 29, the Examiner cites paragraphs [0355] of the Patel publication. Paragraph [0355] concerns Banner Details which allows the advertiser to "associate the banner with the offer." Applicants respectfully disagree that this paragraph teaches selecting one of a plurality of candidate ad

-19-

landing pages in general, let alone selection of candidate ad landing pages in a round-robin manner.

An offer, as defined in the Patel publication, is "comprised of the creative and the price [the advertisers] are willing to pay [the publishers] for any action that may result." Paragraph [0038]. Paragraph [0355] of the Patel publication merely describes how an advertiser can associate a banner ad with an offer in the 'Offer Editor' (Fig. 20). (The Banner Details of paragraph [0355] are a subsection of the "Offer Editor" in paragraph [0327].) This does not teach automatically selecting one of a plurality of candidate ad landing pages in a round-robin manner. Thus, dependent claims 2 and 29 are not anticipated by the Patel publication for at least this additional reason.

In rejecting original claims 3 and 30, the Examiner cited the trading system in paragraph [0187] of the Patel publication. Although this paragraph discusses the testing of different parameters *in an offer*, such as ad creatives, it does not teach automatic selection of one of a plurality of candidate ad landing pages in general, let alone selection of candidate ad landing pages in a random manner. Under the trading system in the Patel publication, advertisers can generate different offers and publishers are free to accept or decline these offers. As described above, an offer is "comprised of the creative and the price [the advertisers] are willing to pay [the publishers] for any action that may result." Paragraph [0187] in the Patel publication describes a method whereby advertisers can dynamically generate different offers to be presented, via the trading system, to the publishers for consideration by the publishers.

-20-

It does <u>not</u> teach automatic selection of one of a
plurality of candidate ad landing pages in a random
manner and subsequent performance tracking of different
ad landing pages for a given ad. Thus, dependent claims 3
and 30 are not anticipated by the Patel publication for
at least this additional reason.

Claims 5, 6, 32 and 33

Claims 5 and 32 depend on claims 1 and 28,
respectively. Therefore, claims 5 and 32 are not
anticipated by the Patel Publication for at least the
same reasons as discussed above. In addition, claims 5
and 32 have been amended to further distinguish them from
the Patel publication by clearly indicating that a
*"designation" of one of the plurality of candidate ad
landing pages is done automatically using a comparison of
the respective performances of the ad landing pages.*
Thus, claims 5 and 32, as amended, are not anticipated by
the Patel publication for at least this additional
reason.

Since claims 6 and 33 depend from claims 5 and 32,
respectively, these claims are similarly not anticipated
by the Patel publication.

Claims 13-20 and 40-47

Independent claims 13, 16, 19, 40, 43 and 46, as
amended, are not anticipated by the Patel publication for
reasons similar to those discussed above with reference
to claims 1 and 28. Since claims 14 and 15 depend from
claim 13, claims 17 and 18 depend from claim 16, claim 20
depends from claim 19, claims 41 and 42 depend from claim
40, claims 44 and 45 depend from claim 43, and claim 47

-21-

depends from claim 46, these claims are similarly not anticipated by the Patel publication.

Claims 21-27 and 48-54

Since claims 21-27 and 48-54 have been canceled, this ground of rejection is rendered moot with respect to these claims.
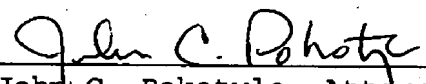
New Claims

New independent method claim 55 recites a method for facilitating the comparison of the performance of instances of an ad which use at least two different ad landing pages. Two separate acts of serving two separate instances of the same ad with different ad landing pages are recited. The performance of each of these separate instances is tracked. Thus, claim 55 is patentable over the Patel publication. New apparatus claim 56 is similarly patentable.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

June 22, 2007

John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 542-9070

-22-

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo
Type or print name of person signing certification

_____   June 22, 2007
Signature   Date

-23-